

Notice of Allowability

Application No.

09/608,614

Examiner

Mitra Kianersi

Applicant(s)

FELSMAN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Aug/12/2004.
2. ☒ The allowed claim(s) is/are 38-42 and 45-74.
3. ☒ The drawings filed on 30 June 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Allowable Subject Matter

The rejections have been overcome by the amendment and remarks and that the pending claims 38-74 are in condition for allowance.

Claims 1-37 have been withdrawn from consideration.

Claims 38-74 are allowed.

The following is an examiner's statement of reasons for allowance.

The primary reason for the allow of claims 38-74 are:

The above-mentioned claims are patentable because no pertinent prior art could be found which discloses the current limitations of Allowable Subject, the independent claim 38 as amended, and also claims 57-58 with similar elements recite the plurality of parameters read by the MDP initialization module of the at least one transmitting network processor comprise an initial GRTT value, a recovery cycle a server compensation factor, a block size, and a segment size, the MDP operations module of the at least one transmitting network processor computes a squelch time of the at least one transmitting network processor based on the recovery cycle. The initial GRTT value, the compensation factor, the block size, and a segment size, the at least one transmitting network processor server discontinuing attempting to repair messages when the squelch time expires. Claim 38 as amended recites a system in which initial parameter values are extracted from a database table to determine a maximum period for a transmitting network processor server from continuously transmitting repair messages. By providing these parameters in a database table, a programmer can modify these parameters without modifying the program code associated with the system to provide optimal performance upon initiating of an MDP session.

Regarding claim 38, Macker does not disclose the use of an initial greatest round trip time (GRTD value in addition to a server compensation factor. In conventional MDP, a GRTT value can only be determined by a GRTT probe. The GRTT probe is constantly executing to determine the GRTT based on the current bandwidth or traffic of a system.

Regarding claim 39, 46, 53 and 60, Macker does not disclose the ability to turn on GRTT probing during an MDP session and turning off GRTT probing after an MDP

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session. This feature mitigates traffic over the network caused by constant GRTT probing.

Regarding independent claims 52 and 66, Macker does not disclose a field in the information packet associated with a given message that determines whether a given recipient of a plurality of receiving network processors are one of an action client and an info client, and also does not disclose that action clients respond with a negative acknowledgment when a message is received with missing elements, while the info clients do not respond with a negative acknowledgment when a message is received with missing elements. This allows customizing which receiving processor is action clients and which receiving processor are info clients for each message transmitted from a given transmitting processor. The necessary bandwidth associated with a given MDP message and subsequent repair messages is reduced, because by defining certain recipients as info clients, the need to send a negative acknowledgment for missing parts of a message for those recipients and subsequent repair messages transmitted by the transmitting processor is eliminate, while those recipients defined as action clients can operates as normal MDP clients by transmitting negative acknowledgment for missing parts of a message, thus receiving subsequent repair messages.

Claim 74, is patentable because no pertinent prior art could be found which discloses the current limitations of allowable subject, the squelch time is computed as equal to $N \cdot Trc \cdot B \cdot Fc$, where Trc is $5 \cdot GRTT$, N is a recovery cycles, Fc is a compensation factor, and B is a block size based on a number of blocks in the message times a segment size.

Conclusion

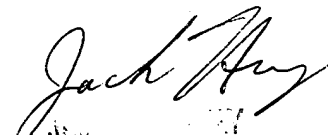
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (571) 272-3915. The examiner can normally be reached on 7:00AM-4:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mitra Kianersi
Dec/07/2004


SUPERVISORY PATENT EXAMINER